

## **REMARKS**

Favorable reconsideration of the subject patent application is respectfully requested in view of the following remarks. Claims 29-32 and 37-47 are pending in the application, with claims 29, 31 and 37 being in independent format.

Applicants' representative wishes to thank the Examiner for the helpful telephone discussion on October 22, 2003.

### **Claim rejection under 35 USC §112, first paragraph**

Claims 23, 25 and 29-38 stand finally rejected under 35 USC §112, first paragraph, as lacking an enabling disclosure. Specifically, the Examiner has asserted that the previously submitted declaration does not support the conclusion that administering SEQ ID NO: 31 to mice enhances an immune response. This rejection is respectfully traversed.

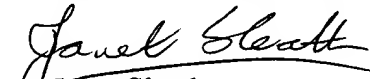
A Declaration of Dr. J. Greg Murison is submitted herewith. As evidenced by this declaration, applicants have clearly demonstrated that *in vivo* administration of the extracellular domain of SEQ ID NO: 31 and/or SEQ ID NO: 32 results in an increase in the number and frequency of B cells and activated B cells, and also in the number of T cells and activated T cells. Furthermore, these increases are significantly higher than those observed with the control protein FGFR2. The attached Declaration also reiterates that, as evidenced by the Declaration of Dr. Elizabeth Visser submitted in January 2003, one would reasonably expect polypeptides of SEQ ID NO: 33 to have the same functional activity as polypeptides of SEQ ID NO: 31 and 32. These results clearly demonstrate that the FGFR5 polypeptide of SEQ ID NO: 33 may be used to stimulate an increase in the numbers of B cells and T cells, thereby enhancing an immune response, and further that these results are specific to the FGFR5 polypeptide.

It is thus urged that one of skill in the art to which the present invention pertains, on being provided with the instant specification, would indeed be able to employ the inventive polypeptides to enhance an immune response in a patient, and that this rejection of the pending claims under 35 USC §112, first paragraph, may thus be properly withdrawn.

A Petition to Correct the Inventorship of the subject patent application was submitted on June 23, 2003. Applicants note that they have not yet received a response to that Petition. Acknowledgement and grant of the Petition is respectfully requested.

Every effort has been made to put the pending claims in condition for allowance. Should the Examiner have any further concerns regarding the subject patent application, he is respectfully requested to contact the undersigned at: 206.382.1191.

Respectfully submitted,

  
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Date: November 20, 2003

**SPECKMAN LAW GROUP**

**20601**



**EXHIBIT B**